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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,464

01/07/2002

Kenneth James Hintz

7036

7590

11/03/2004

Kenneth J. Hintz
11727 Lakewood Lane
Fairfax Station, VA 22039

EXAMINER

VAUGHN, GREGORY J

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,464	HINTZ, KENNETH JAMES	
	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/9/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application filing, Application filed on 1/7/2002.
2. Claims 1-10 are pending in the case, claims 1, 7 and 8 are independent claims.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- “Drawing 1, items 3 through 7” on page 12, paragraph 14, line 5.

Drawing 1 contains only reference signs 1 through 4.

- “Drawing 1, item 5” on page 12, paragraph 15, line 8.
- “Drawing 1, item 7” on page 12, paragraph 15, line 9.
- “Drawing 1, items 8 through 11” on page 12, paragraph 15, line 9.
- “Drawing 1, item 6” on page 13, paragraph 16, line 1.
- “Drawing 1, item 7” on page 13, paragraph 16, line 3.
- “Drawing 1, items 8 through 11” on page 13, paragraph 16, line 4.
- “Drawing 1, item 8” on page 13, paragraph 16, line 6 and paragraph 17, line 2.
- “Drawing 1, item 9” on page 13, paragraph 16, lines 12 and 13, and paragraph 17, line 3

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- “Drawing 1, item 10” on page 14, paragraph 18, line 1.
- “Drawing 1, item 8” on page 14, paragraph 18, line 3.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
 - The disclosure recites those reference signs listed in paragraph 3 above, which are not shown in the drawings.

Appropriate correction is required.

5. The use of the following trademarks has been noted in this application:
 - “MacroMedia” first used on page 15, paragraph 20.
 - “Microsoft” first used on page 15, paragraph 20.
 - “Linux” first used on page 15, paragraph 20.
 - “Java” first used on page 15, paragraph 20.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title."

7. Claims 7-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. The claimed invention is so abstract and sweeping as to cover the method if practiced by a human operator assisted only by pencil and paper. The claims 7-9 do not include a particular machine or apparatus, and no machine-implemented steps are recited. Every step is capable of performance by the human mind. A method of this sort, traditionally called a "mental process", is not patentable subject matter.

"Phenomena of nature, though just discovered, *"mental processes"*, abstract intellectual concepts are not patentable as they are the basic tools of scientific and technological work." (Emphasis added). *Gottschalk v. Benson*, 175 U.S.P.Q. 673, 675 (U.S.S.C. 1972). See also, *In re Prater and Wei*, 159 U.S.P.Q. 583 (1968), *rehearing*, 162 U.S.P.Q. 571 (1969).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

10. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte et al. US Patent 6,253,169, filed 5/28/1998, patented 6/26/2001 (hereinafter Apte) in view of Hazlehurst et al. US Patent 5,974,412, filed 9/24/1997, patented 10/26/1999 (hereinafter Hazlehurst).

11. **Regarding independent claim 1**, Apte discloses lexiconizing words and symbols in a domain in Figure 1 at reference sign 3 (shown as "*Develop Local Dictionary for CADs*"). Apte also discloses examining a second collection of words and comparing the words with the dictionary in Figure 3 at reference sign 30 (shown as "*Identifying words in the new document which corresponds to words in the Local Dictionaries*"). Apte also discloses searching a third collection of words, detecting occurrences of previously compared dictionary words, and collecting their fiducial data in Figure 3, reference sign 33 (shown as "*Classifying new documents into one of the topics based up the classification outcomes*"). Apte further discloses the computing of metrics in Figure 1 at reference sign 4, (shown as "*Develop and assigning a plurality of*

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vectors for each document in the sample set"). Apte also discloses interacting with a user for entry of parameters and output of data in Figure 4 at reference signs 42 (shown as "*Derive a plurality of classification outcomes*") and reference sign 43 (shown as "*Voting the classification outcomes for each topic*"). Apte fails to disclose detecting new ideas. Hazlehurst discloses an intelligent query system that detects new ideas. Hazlehurst recites: "*Referring to FIG. 12A, the constant growth and reproduction of collators 108 causes the population to continuously evolve to both focus on specific concepts and identify new concepts*" (column 17, line 66 to column 18, line 2).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to use the text categorization invention of Apte to detect new ideas in order to provide "*a scalable information representation and indexing scheme that adapts document retrieval to continuously changing user feedback, user profiles, and new sources of information*" (Hazlehurst, Column 1, lines 58-61).

12. **Regarding dependent claims 2 and 3**, Apte fails to disclose the domain as contents of an Internet web site (claim 2) or contents of transcripts of a verbal communication (claim 3). Hazlehurst teaches the use of contents from a variety of sources including web sites and transcripts. Hazlehurst recites: "*The storage system 60 manages information from a variety of sources 62. Sources 62 have many possible types: static or dynamic; text, audio, or video; freely available or with contractual restrictions on usage; in a variety of languages. In the preferred embodiment, sources 62 comprise English text*

documents from news feeds such as Reuters Medical News and specialized medical journalists, databases such as Medline and MDX Health Digest, journals such as the New England Journal of Medicine, and documents from medical Web sites gathered by World Wide Web spiders" (column 7, lines 17-27).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to use a variety of sources as taught by Hazlehurst with the document categorization invention of Apte because *"Regardless of the particular information source 62, if the information can be related to or represented by a bounded chunk of text (i.e., a document), it can be utilized in the IQE system 84"* (Hazlehurst, column 7, lines 27-30).

13. **Regarding dependent claim 4**, Apte discloses symbolic representations of a domain are written communications. Apte recites: *"The present invention is a method for categorizing information in a database. The information may be in the form of electronic documents or other textual or descriptive materials, or even e-mail"* (column 4, lines 34-37).

14. **Regarding dependent claim 5**, Apte discloses a non-domain specific lexicon. Apte Recites: *"Dictionaries may also be universal or local"* (column 2, line 13).

15. **Regarding dependent claim 6**, Apte fails to disclose a web browser. Hazlehurst discloses the use of a web browser. Hazlehurst recites: *"In one embodiment, an IQE system 84 focused on medical information can be*

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accessed through the Internet Web site at <http://www.shn.net/>" (column 9, lines 50-52).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to use a web browser to access the web in order for a human user to participate in the knowledge generation process.

16. **Regarding independent claims 7 and 8**, the claims are directed toward substantially the same subject matter as the claim 1, and are rejected using the same rationale.
17. **Regarding dependent claim 9**, Apte discloses communications are transcribed into symbolic form in Figure 11 (shown as a table of scores related to the communications word configuration).
18. **Regarding dependent claim 10**, the claim is directed toward substantially the same subject matter as the claim 3, and is rejected using the same rationale.

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Conclusion

19. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent/Publication</u>	<u>Date</u>	<u>Inventor</u>
• US-4,670,848	06-1987	Schramm, David A.
• US-4,682,365	07-1987	Orita et al.
• US-5,724,571	03-1998	Woods, William A.
• US-5,841,895 A	11-1998	Huffman, Scott B.
• US-6,167,368 A	12-2000	Wacholder, Faye (Nina) P.
• US-6,282,538 B1	08-2001	Woods, William A.
• US-6,289,353 B1	09-2001	Hazlehurst et al.
• US-6,493,703 B1	12-2002	Knight et al.
• US-6,515,681 B1	02-2003	Knight, Timothy O.
• US-6,571,234 B1	05-2003	Knight et al.
• US-6,594,658 B2	07-2003	Woods, William A.
• US-6,621,930 B1	09-2003	Smadja, Frank
• US-6,647,383 B1	11-2003	August et al.
• US-6,721,748 B1	04-2004	Knight et al.
• US-6,741,985 B2	05-2004	Green, Robin A. R.
• US-6,741,986 B2	05-2004	Cho et al.
• US-6,772,160 B2	08-2004	Cho et al.
• US-6,778,982 B1	08-2004	Knight et al.
• US-6,804,675 B1	10-2004	Knight et al.
• US-2002/0049792 A1	04-2002	Wilcox et al.
• US-2002/0059204 A1	05-2002	Harris, Larry R.
• US-2002/0062243 A1	05-2002	Anderson, Kent G.
• US-2002/0103834 A1	08-2002	Thompson et al.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

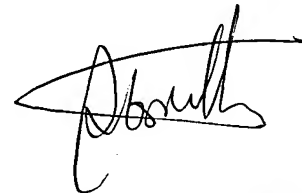
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124.

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The fax phone number for the organization where this application or proceeding is assigned is use (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
October 20, 2004

A handwritten signature in black ink, appearing to read 'S. Hong', with a long horizontal stroke extending to the right.

**STEPHEN S. HONG
PRIMARY EXAMINER**